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PART-I

Notifications, Orders and Declarations by Haryana Government

STATE ELECTION COMMISSION, HARYANA
NIRVACHAN SADAN, PLOT NO. 2, SECTOR-17,
PANCHKULA, HARYANA- 134109

Notification

The 22nd May, 2019

No. SEC/4E-II/2019/552.— Whereas, State Election Commission *vide* its notification No. SEC/E-II/ 2016/ 2129, dated 10.02.2016 had notified the name of Sh. Vishal Sharma S/o Sh. Sukhdev Raj as member Panchayat Samiti, Shahabad Ward No. 12, District Kurukshetra under section 161 (4) of the Haryana Panchayati Raj Act, 1994.

2. Whereas, Civil Judge (Jr. Div.), Shahabad in an election petition titled Hakam Singh *Vs.* Vishal Sharma and other *vide* orders dated 17.12.2018 has set aside the election of Sh. Vishal Sharma Operative part of the order is reproduced as under:-

“In view of the above discussions and my sequel findings to the issues and especially on issue no. 1, the petition of the petitioner is hereby allowed with cost to the effect that election in question i.e. Member of Panchayat Samiti, from Ward No. 12, Shahabad held on 17.1.2016 and result was declared on 28.1.2016 is hereby set aside. The authorities are hereby directed to conduct the fresh elections for the post of Member, Panchayat Samiti, Shahabad as per rules. Decree sheet be prepared accordingly. File be consigned to the record room after due compliance”.

3. And, whereas, Deputy Commissioner, Kurukshetra *vide* No. 1439/Panchayat, dated 15.04.2019 has informed that an appeal filed by Sh. Vishal Sharma against the above orders has also been dismissed by the Hon'ble Punjab and Haryana High Court *vide* its order dated 23.01.2019 in CWP No. 1617 of 2019 and the operative part of the orders of Hon'ble court is as under:-

“In the case in hand, primacy is to be given to the birth certificate of petitioner in which date of birth of petitioner has been mentioned as 17.05.1994. Thus, petitioner was not eligible/qualified to be elected from electoral division and it is held that he did not attain 21 years on the date of submission of nomination form.

CWP No. 1617 of 2019 is dismissed. Impugned judgment dated 17.12.2018 rendered by the Election Tribunal, Shahabad, District Kurukshetra is affirmed.

No order as to costs.”

4. In view of above, the State Election Commission, Haryana hereby denotifies the name of Sh. Vishal Sharma S/o Sh. Sukhdev Raj as member ward No. 12, Panchayat Samiti Shahabad, District Kurukshetra with immediate effect.

Panchkula:
The 20th May, 2019.

DR. DALIP SINGH,
State Election Commissioner, Haryana.